

B1 1. (Twice Amended) A transaction card assembly comprising:
a transaction card having a long edge and a short edge that is shorter than the long edge, the transaction card configured to meet ANSI and ISO specifications for transaction cards; and
at least one auxiliary member attached in an edge-to-edge fashion at a long edge of the transaction card;
wherein the transaction card meets ANSI and ISO specifications for edge roughness when separated from the at least one auxiliary member without the use of a tool.

B2 ¹⁷ 18. (Amended) The assembly of claim ¹⁶ ~~17~~, wherein the label is removable and adherable to another surface.

B3 ²⁷ 28. (Twice Amended) A transaction card assembly comprising:
a transaction card having a machine-readable feature, a long edge and a short edge that is shorter than the long edge; and
at least one auxiliary member attached to the card in an edge-to-edge fashion, the transaction card and the at least one auxiliary member arranged to allow the at least one auxiliary member and the transaction card to be separated without tools, the transaction card meeting ANSI and ISO specifications for edge roughness for a transaction card after being separated from the at least one auxiliary member.

B4 ³³ 35. (Amended) The assembly of claim ³⁰ ~~32~~, wherein the label is removable and adherable to another surface.

B5 ⁵² 57. (Twice Amended) A method for forming a transaction card assembly having a transaction card and at least one auxiliary member, comprising:
providing a single sheet of material;
cutting at least a transaction card and an auxiliary member from the sheet of material;

providing a line of weakness between the transaction card and the auxiliary member so that the transaction card meets ANSI and ISO specifications for edge smoothness after being separated without tools from the auxiliary member; and

providing a machine-readable feature on at least one of the transaction card and the auxiliary member.

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66. (Amended) The method of claim ⁵⁸~~64~~, further comprising:
forming an area on the auxiliary member to receive a handwritten message.

⁶⁸
74. (Amended) The method of claim ⁶⁰~~72~~, wherein the step of providing a label comprises:
providing a label that is removable and adherable to another surface.

REMARKS

Claims 1-14, 16-29, 31-53, 57 and 59-80 are pending. By this amendment, claims 1, 18, 28, 35, 57, 66 and 74 are amended, and claims 15, 30, 54, 55, 56 and 58 are cancelled.

I. The 35 U.S.C. §112 Rejections are Obviated

Item 2 of the Office Action rejects claims 18, 35, 66 and 74 under 35 U.S.C. § 112, 2nd paragraph. The Office Action indicates that the phrase "adapted to" renders the claim indefinite and cites MPEP § "21063.II-B." Applicant is unable to ascertain exactly which MPEP section is being cited since no §21063 exists. Moreover, MPEP §2106 relates to computer-related inventions (clearly not the case here), §2103 does not exist, and §2163 does not have a §II-B.

However, attention is drawn to MPEP §2173.05(g), which relates to functional limitations in claims. This section very clearly indicates that "there is nothing inherently wrong with defining some part of an invention in functional terms. Functional language does not, in and of itself, render a claim improper." Of particular interest, this section cites In re Venezia, in which the claim language "members adapted to be positioned" was specifically considered and determined to define structural attributes in the parts of the claimed assembly. In re Venezia, 530 F.2d 956, 189 USPQ 149 (CCPA 1976). Thus, the language "adapted to" is specifically